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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant(s): Backes et al.

Serial No.: 10/780804

Filed: 2/18/2004

Title: Apparatus for Selecting an Optimum Access
Point in a Wireless Network

Attorney Docket No.: 160-029

Group Art Unit:

Examiner:

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 33212-1450**INFORMATION DISCLOSURE STATEMENT**

Dear Sir:

This Information Disclosure Statement is submitted before the mailing date of the first office action on the merits.

Applicant(s) submit herewith Form PTO 1449-Information Disclosure Citation together with copies, if required, of patents, publications or other information of which applicant(s) are aware, which applicant(s) believe(s) may be material to the examination of this application and for which there may be a duty to disclose in accordance with 37 CFR 1.56.

The relevance of the attached references is that this is the closest art of which Applicant is aware. Applicant submits that the above references taken alone or in combination neither anticipate nor render obvious the present invention. Consideration of the foregoing in relation to this application is respectfully requested.

It is requested that the information disclosed herein be made of record in this application.

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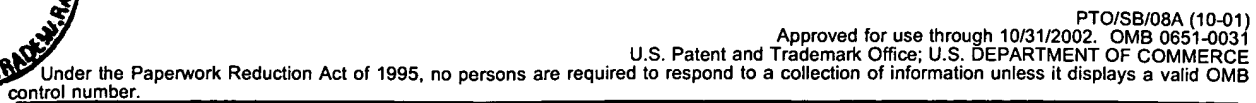
Signature: Mary Steubing

Respectfully submitted,

Mary Steubing
Mary Steubing, Reg. No. 37,946
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Date: 10/22/04

Telephone No.: 978-264-6664



**INFORMATION DISCLOSURE
STATEMENT BY APPLICANT**
(use as many sheets as necessary)

Complete if Known

Application Number	10/780804
Filing Date	2/18/2004
First Named Inventor	Backes
Art Unit	
Examiner Name	
Attorney Docket Number	160-029

Examiner Initials*	Cite No. ¹	Document Number	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear
		Number - Kind Code ² (if known)			
		US- 2004/0137915 A1	7/15/2004	Diener et al.	
		US- 2003.0207699 A1	11/6/2003	Shpak	
		US- 2002/0193113 A1	12/19/2002	Shibutani	
		US- 2002/0141375 A1	10/3/2002	Choi	
		US- 2003/0022686 A1	1/30/2003	Soomro et al.	
		US- 2002/0176437 A1	11/28/2002	Busch et al.	
		US- 2003/0002456 A1	1/2/2003	Soomro et al.	
		US- 2002/0060995 A1	5/23/2002	Cervello et al.	
		US- 6,741,863 B1	5/25/2004	Chiang et al.	
		US- 6,560,462 B1	5/6/2003	Ravi et al.	
		US- 6,332,007 B1	12/18/2001	Wu et al.	
		US- 6,208,629 B1	3/27/2001	Jaszewski et al.	
		US- 6,198,924 B1	3/6/2001	Ishii et al.	
		US- 6,760,748 B1	7/6/2004	Hakim	
		US- 6,111,867	12/12/1997	Mann	
		US- 6,574,477	10/6/1999	Rathunde	
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		US- 6,636,737	4/10/2000	Hills	
		US- 6,738,599	3/14/2002	Black	
		US- 6,522,881	3/8/2000	Feder	
		US- 6,208,629	3/10/1999	Jaszewski	

[illegible]

Examiner Signature		Date Considered	
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and not considered. Include copy of this form with next communication to applicant.
¹Applicant's unique citation designation number (optional). ²See Kinds Codes of USPTO Patent Documents at www.uspto.gov or MPEP 901.04. ³Enter Office that issued the document, by the two-letter code (WIPO Standard ST.3). ⁴For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. ⁵Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST. 16 if possible. ⁶Applicant is to place a check mark here if English language Translation is attached.

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				Application Number	10/780804
				Filing Date	2/18/2004
				First Named Inventor	Backes
				Group Art Unit	
				Examiner Name	
				Attorney Docket Number	160-029
Sheet	2	of	2		

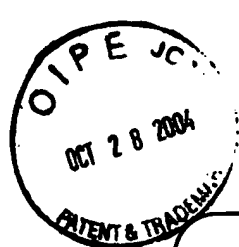
OTHER PRIOR ART – NON PATENT LITERATURE DOCUMENTS			
Examiner Initials*	Cite, No.	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published.	T ²
		IEEE, Wireless LAN Medium Access Control (MAC) and Physical Layer (PHY) specifications, Standard 802.11, 1999 edition, Reference number ISO/IEC 8802-11:1999(E), 528 Pages.	
		MICHAEL BARR, "Toward a Smaller Java", Embedded.com, June 14, 2002, Pages 1-9.	
		Moustafa Youssef, "Handling Samples Correlation in the Horus System", IEEE INFOCOM 2004	
		Kin K. Leung, "Integrated Link Adaptation and Power Control for Wireless IP Networks", AT&T Labs – research, January 19, 2000.	
		Ana Zapater et. Al., "Development and Implementation of a Bluetooth Networking Infrastructure for the a Notebook – University Scenario", Institute of Communications Engineering, University of Hannover, May 13, 2003.	
		Walter Klotz, "Graph Coloring Algorithms", 1999.	
		Brent N. Chun et. Al., "Market-based Proportional resource Sharing for Clusters", University of California at Berkeley computer Science Division, September 1999.	
		The Four Color Theorem, Web page, author(s) unknown, updated November 13, 1995.	

Examiner Signature		Date Considered	
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*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

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TRANSMITTAL FORM (to be used for all correspondence after initial filing)	Application Number	10/780804
	Filing Date	2/18/2004
	First Named Inventor	Backes
	Art Unit	
	Examiner Name	
Total Number of Pages in This Submission	Attorney Docket Number	160-029

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Firm or Individual name	Mary Steubing	
Signature	<i>Mary Steubing</i>	
Date	10/22/04	

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Typed or printed name	Mary Steubing	
Signature	<i>Mary Steubing</i>	Date 10/26/04

This collection of information is required by 37 CFR 1.5. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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